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GLOBAL ACTION TO IMPROVE
THE RECRUITMENT FRAMEWORK
OF LABOUR MIGRATION



REVIEW OF LAW, POLICY AND PRACTICE OF RECRUITMENT OF MIGRANT WORKERS IN **PAKISTAN**



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Cover photo ©ILO/Suleman Mahmood. An aspiring migrant worker waits for his appointment at the Protectorate of Emigrants Office, Rawalpindi Pakistan.

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LIST OF ACRONYMS

BE&OE	Bureau of Emigration and Overseas Employment
CWAs	Community Welfare Attachés
FSAs	Foreign Service Agreements
GCC	Gulf Cooperation Council
GCM	Global Compact for Safe, Orderly and Regular Migration
GPOG	ILO's General Principles and Operational Guidelines for Fair Recruitment
ICMPD	International Centre for Migration Policy and Development
ILO	International Labour Organization
IOM	International Organization for Migration
LFS	Labour Force Survey
MERIC	Manpower Export, Research and Information Center
MOP&HRD	Ministry of Overseas Pakistanis and Human Resource Development
MOU	Memorandum of Understanding
MRC	Migrant Resource Centre
NAVTTTC	National Vocational and Technical Training Commission
NVQF	National Vocational Qualifications Framework
OEC	Overseas Employment Corporation
OEPs	Overseas Employment Promoters
OPF	Overseas Pakistanis Foundation
POEPA	Pakistan Overseas Employment Promoters Association
REFRAME	Global Action to Improve the Recruitment Framework of Labour Migration
SLBFE	Sri Lanka Bureau of Foreign Employment
SALM	South Asia Labour Migration Governance (ILO project)
SDG	Sustainable Development Goals
TVET	Technical Vocational Education Training
UAE	United Arab Emirates

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Executive summary

Numerous changes in international instruments and guidance on safe labour migration and fair recruitment have occurred in recent years, as have notable changes in labour force and migration trends in Pakistan. These include a sudden decrease in labour emigration to the Gulf Cooperation Council (GCC) region from Pakistan in 2017, mainly on account of low oil prices which caused a slowdown of many GCC economies thus reducing job opportunities in the construction sector in particular due to budget cuts in the infrastructure sector. However, the most recent figures from 2019 suggest that labour migration flows are rising again with 625,203 proceeding abroad for employment.

The Global Compact for Safe, Orderly and Regular Migration (GCM) was signed in December 2018, as an inter-governmentally negotiated agreement, prepared under the United Nations. Pakistan has welcomed this agreement and is committed to playing its part, given its important role as a country of origin, transit and destination.

The International Labour Organization (ILO) in Pakistan has been involved in a number of initiatives to improve labour migration. Examples include the South Asia Labour Migration Governance (SALM) project to promote well-managed labour migration flows; a three-year multi-stakeholder project, the “Global Action to Improve the Recruitment Framework of Labour Migration”; and measuring and defining recruitment costs under the United Nation’s Sustainable Development Goals (SDGs), Target 10.7, in collaboration with the World Bank.

These initiatives have highlighted the need for, and importance of, assessing laws, policies and prevailing practices in labour recruitment for foreign employment in Pakistan. This assessment is framed against the adherence in policy and practice to the ILO’s General Principles and Operational Guidelines for Fair Recruitment (GPOG), which were developed in 2016 (ILO, 2016a).

Legislation

The Emigration Ordinance 1979 and its accompanying rules make up the framework that governs the codes of conduct for overseas labour recruitment in Pakistan. Since the Bureau of Emigration and Overseas Employment’s (BE&OE) promulgation 11 amendments in Emigration Ordinance 1979 and 101 in Emigration Rules have been implemented so far. These include updates to the rules in 2012 and several amendments. Implementation of this law extends primarily to the functions of the BE&OE and its responsibilities vis-à-vis the Protectorate of Emigrants Offices, Foreign Service Agreements and the role and conduct of OEPs.

Policy

There is no formal labour emigration policy in Pakistan. However, to date, there have been three attempts to draft such a policy. The most recent attempt was made under the aegis of the MOP&HRD in 2017, with the technical support of the International Centre for Migration Policy and Development (ICMPD). This draft specifically focused on three areas: labour emigration and recruitment, welfare of overseas migrants, and return and reintegration of overseas migrants. The draft policy is in the advanced stage of approval.

Key findings

The alignment of current legislation against the ILO’s General Principles and Operational Guidelines for Fair Recruitment (GPOG) criteria for fair recruitment have revealed some clear and emerging issues impacting overseas labour recruitment in Pakistan.

- i. Limited data collection on labour migration:** Annual analysis of collected data is carried out by the research unit in BE&OE and reports on emigration have been produced since 2016.¹ However the reports present an overarching perspective and lack gender disaggregated data. Addressing an important gap, the MOP&HRD in collaboration with the Federal Investigation Agency (FIA) have started collecting administrative data from returning migrants. The Labour Force Statistics, a key source of data on Pakistan's labour force, has just started a pilot initiative and included data on overseas labour migrants in its latest report (LFS 2017-18).
- ii. Inter-agency coordination:** Labour emigration in Pakistan is managed by three key agencies under the MOP&HRD. Of the three, the Bureau of Emigration and Overseas Employment (BE&OE) is the central authority. The Overseas Pakistanis Foundation (OPF) is responsible for workers' welfare and return and reintegration, and the Overseas Employment Corporation (OEC) is mandated to promote overseas employment opportunities.
- iii. Skills and qualifications of workers:** Within Pakistan, the National Vocational Technical Training Commission (NAVTTTC) and provincial Technical Education and Vocational Training Authorities (TEVTAs) are the key stakeholders developing its labour force. However, despite efforts to upgrade skills, such as NAVTTTC's information services initiative "Skilling Pakistan", Pakistani workers still lack the capabilities to meet burgeoning demands in trades such as engineering, medicine, teaching and IT.
- iv. Role of Overseas Employment Promoters (OEPs):** The role and functions of private sector OEPs constitute a major part of the Ordinance and its accompanying rules. However, in addition to the controversy surrounding irregular intermediaries in the recruitment sector, the majority of the OEPs limit their involvement to employment in unskilled and semi-skilled sectors in the GCC region. Furthermore, the majority of OEPs do not proactively try to expand opportunities for women in overseas markets.
- v. Federal vs. Provincial Jurisdiction:** Labour migration was made a federal jurisdiction in 2011, during a phase of devolution. Each of the four provinces have a sizeable proportion of skilled workers looking for employment. Provinces have the responsibility of training workers, but not to place them for employment overseas, which remains a federal jurisdiction. Neither can they sign Memoranda of Understanding (MOU) with a destination country, meaning that the issue of labour migration, particularly in terms of policy implementation, sometimes falls between the cracks of provincial labour governance and federal governance.
- vi. Information awareness:** Given constant changes in the global labour market, there is a need to provide transparent and comprehensive information to potential migrant workers regarding opportunities.² Many prospective emigrants are still unable to access services, especially in rural areas and outside the Protectorate, particularly those who do not have electronic access or know-how.³
- vii. Protection of workers overseas:** Distinct measures are needed to protect Pakistani workers once they leave for employment overseas. However, there is also a need for greater capacity among foreign missions in the GCC region to handle complaints effectively, as well as to liaise with employers in destination countries.

1 The data collection process has been computerized after the implementation of biometric verification system in 2019, at Protectorate of Emigrants Offices.

2 The BE&OE has launched a comprehensive awareness campaign to educate the general public on safe and regular migration. The campaign includes uploading verified overseas employment opportunities on its website and print and social media; and sending three million SMS messages to youth in high migration areas on a monthly basis.

3 With growing access to and use of mobile phones in urban as well as rural areas, the scope of awareness campaigns on job opportunities and safe emigration processes needs to be enhanced through the sending of SMS messages in rural areas with high migration rates.

viii. The role of trade unions and civil society: Trade unions and civil society organizations have an important role to play in strengthening migrant worker rights and providing policy input to support safer overseas migration. While this is a growing issue, there is much to be done to appropriately address issues like exploitation of workers by employers, irregular employment recruiters, or providing equal opportunities for female employment overseas.

Opportunities for the REFRAME project

- To extend technical support for strengthening the research unit at BE&OE and the recently established research section in the OEC in order to analyze the global market trends.
- To assist the MOP&HRD in linking various databases to create a comprehensive annual data package that could be used to connect registered workers with employment and training opportunities.
- To extend technical support to further strengthen linkage mechanisms between the BE&OE and NAVTTC in helping to raise the profile of skills training and incorporate training as a prerequisite for unskilled and semi-skilled workers wanting to seek employment overseas.
- To assist in further linkage development with Migrant Resource Centres (MRCs), to ensure pre-employment guidance and counselling is both comprehensive and efficient.
- To partner with the OEC to provide greater resources and leverage to engage a larger share of the workforce within its current profile.
- To work with the BE&OE in creating pilot career counseling/employment centres throughout the country.
- To provide technical support to the BE&OE in developing awareness-raising/briefing materials for pre-departure orientation training, to be delivered at all the seven Protectorate offices.
- To actively highlight gaps in the legislation which require greater policy formulation and advocacy efforts, such as irregular intermediaries, female migration, the role of Pakistani missions overseas and new and emerging skill sectors.
- To work with the Pakistan Overseas Employment Promoters' Association (POEPA) to strengthen the capacity of the Executive Committee to implement the Code of Conduct for fair and ethical recruitment of migrant workers.

1. Introduction

From 1971 to December 2019, the BE&OE registered more than 11 million Pakistanis as proceeding for overseas employment. Of this figure, over 96 per cent migrated to Gulf Cooperation Council (GCC) countries, with Saudi Arabia and the United Arab Emirates together hosting the largest share of Pakistani workers.

Although migrant workers are proving to be a critical force for their home country through increasing remittances and by developing work-related skills and competencies, the recruitment of workers from developing countries like Pakistan can be exploitative.

The recruitment industry in Pakistan has grown dramatically over the years and as of 2019 comprised 2,069 private licensed recruitment agencies and one public agency (BE&OE, 2019). A network of informal intermediaries also operates in many regions of the country from where emigration is common. These agencies and intermediaries link workers with employers abroad for a fee that is typically charged to the workers, but sometimes to employers, or to both.

The International Labour Organization in Pakistan has conducted several recent studies on labour migration and recruitment, ranging from a 2015 status report to topics such as a study on costs of migration, on access to justice, and an analysis of the links between migration and skills.⁴ Several policy recommendations have flowed from these studies. These include, the importance of:

- developing a coherent policy to implement the long-term vision for promoting overseas employment;
- implementing a means for workers and other stakeholders to hold employment promoters accountable for regulation violations and abuses;
- addressing the issue of unregistered and unauthorized recruiters; and
- strengthening migrant worker support and information provision systems nationwide and empowering employment operators and recruiters to implement ethical and fair recruitment practices.

To further implement these recommendations, two Migrant Resource Centres (MRCs), in Islamabad and Lahore were also established. Both were established in collaboration with the Government and development partners to provide counselling and guidance to potential migrant workers, with the goal of reducing exploitation and supporting workers to make informed decisions.

⁴ See ILO, 2016b, for the ILO/SALM studies.

Box 1. ILO and UN initiatives for fair recruitment

The ILO Country Office in Pakistan is committed to improving the legal and recruitment rights of migrant workers. Some of its most recent initiatives include the following:

SALM Project: Between 2013 and 2016, the ILO introduced the South Asia Labour Migration Governance (SALM) project to promote well-managed labour migration flows from India, Nepal and Pakistan to Kuwait, Qatar and the United Arab Emirates. Three approaches were promoted: providing reliable information on overseas employment opportunities and building up the system for matching qualified job-seekers with foreign employer demand; improving recruitment services and increasing the protection of migrant workers during employment to reduce migration costs and recruitment abuses in both origin and destination countries and expanding training opportunities and providing a system to enable the portability of skills for outgoing and returning migrant workers. In Pakistan, the project facilitated establishment of Migrant Resource Centres in Islamabad and Lahore which are the first-ever facility of its kind in country; an agreement with the Pakistan Overseas Employment Promoters Association to develop a national code of conduct and a national plan of action; a study on recruitment practices, including looking at intermediary agents; and among others, a legal review of the 1979 Emigration Ordinance (ILO; 2016b).

The Fair Recruitment Initiative: In 2014, the ILO launched a global, multi-stakeholder initiative, the “Fair Recruitment Initiative” to help prevent human trafficking and forced labour. Its goals include protecting the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process (including preselection, selection, transportation, placement and safe return); and reducing the cost of labour migration and enhancing development outcomes for migrant workers and their families, as well as for countries of origin and destination. REFRAME, one of the projects under this initiative, was also launched in Pakistan.

Measuring and defining recruitment costs under SDG Goal 10.7: In collaboration with the World Bank, ILO is measuring recruitment costs, under its Fair Recruitment Initiative. SDG Goal 10.7, “Facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies”, also contains three sub-goals regarding recruitment costs, migration policies and reduction in transaction costs and high-cost remittance corridors. The ILO and World Bank are jointly responsible for developing methodology and tests to measure SDG 10.7.1 on recruitment costs.

2. Background and objectives

Numerous changes in international instruments and guidance on safe labour migration and fair recruitment have occurred since 2017, as have notable changes in labour force and migration trends in Pakistan. These include a sudden decrease in labour emigration to the Gulf Cooperation Council (GCC) region from Pakistan in 2017, mainly on account of low oil prices which caused the slowdown of many GCC economies thus reducing the job opportunities in the construction sector in particular due to budget cuts in the infrastructure sector (see section 3).

The Global Compact for Safe, Orderly and Regular Migration (GCM) signed in December 2018, is an inter-governmental agreement, prepared under the United Nations. Although non-binding for member States, the GCM provides opportunities to improve the governance of migration, particularly the current challenges such as climate change and global economic crises, and to strengthen the contribution of migrants and migration to sustainable development. Pakistan has officially welcomed this agreement as a member State⁵ and further reaffirmed its commitment at the Intergovernmental Conference to adopt the GCM, held in Morocco in December 2018.⁶

SDG 8.8 is also a significant opportunity to place migration rights front and centre, as it particularly pertains to labour migrants of both male and female workers.⁷

As such, a need has arisen to assess changes to existing laws, policies and prevailing practices pertaining to labour recruitment for foreign employment. This assessment is framed against the adherence of policy and practice to the ILO's General Principles and Operational Guidelines for Fair Recruitment (see box 2).

Box 2. The ILO General Principles and Operational Guidelines for Fair Recruitment

The objective of these non-binding ILO general principles and operational guidelines is to inform the current and future work of the ILO, other organizations, national legislatures, and social partners, on promoting and ensuring fair recruitment. These principles and guidelines are derived from international labour standards and related ILO instruments, intending to cover the recruitment of all workers, including migrant workers, whether directly hired by employers or through intermediaries. They apply to recruitment within or across national borders, as well as to recruitment through temporary work agencies and cover all sectors of the economy. Implementation of these principles and guidelines at the national level should occur after consultation between the social partners and the government. A distinction is drawn between general principles – which are intended to orient implementation at all levels – and operational guidelines – which address responsibilities of specific actors in the recruitment process and include possible interventions and policy tools. The document covers 13 general principles and operational guidelines for governments, enterprises and public employment services, labour recruiters and employers (ILO, 2016a).

5 <https://tribune.com.pk/story/1758758/1-pakistan-welcomes-first-ever-un-global-migration-accord/>

6 <https://www.un.org/en/conf/migration/assets/pdf/GCM-Statements/pakistan.pdf>

7 SDG 8.8. Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment

This study serves as a baseline to explore existing laws and policies governing recruitment of overseas labour migrants in Pakistan, and has been designed as an output under ILO's REFRAME project implemented with the support of the European Commission. The project aims to reduce abusive practices and violations of human and labour rights during the labour recruitment process and maximize the protection of migrant workers and their contribution to development.

The purpose of the review is also to establish a set of recommendations for the REFRAME project in Pakistan. Specifically, its aim is to clarify the areas in which it can engage with various stakeholders to improve the labour recruitment processes in overseas migration and to also ensure that these processes adhere to the ILO's GPOGs. These recommendations will be based on an assessment of the gaps and opportunities in labour recruitment policies and laws, which this study aims to identify (see Annex 1 for Methodology and limitations).

3. Trends in labour recruitment and migration in Pakistan

Since 1971, more than 11 million Pakistanis have proceeded abroad for employment through official procedures, and the Arab States (in particular the Gulf Cooperation Council (GCC) countries) are the primary region of destination. In 2019, the number of Pakistanis departing for work abroad was 625,203. Saudi Arabia is the largest destination country, hosting 332,713 Pakistanis (53.2 per cent), followed by the United Arab Emirates with 211,216 (33.8 per cent). Oman is the third largest destination country, where 28,391 Pakistani workers migrated for job opportunities. Most of these workers belong to the skilled (285,932) and unskilled categories (249,075) (GOP, 2019). Remittances received from these workers serve as a major source of foreign exchange for Pakistan, from US\$19 billion in 2015-16, to US\$21.84 billion during the 2019 financial year (State Bank of Pakistan, 2019).

Labour migration numbers were at their peak in 2015 and 2016 – with 946,571 and 839,353 workers, respectively. However, there was a significant decline in labour migration flows during 2017 and 2018, with a reduction of almost 40 per cent compared to previous years. The main reason for the decrease was the lower oil prices which caused a slowdown of many GCC economies and thus reduced job opportunities in the construction sector (in particular due to budget cuts in the infrastructure sector). A further reason suggested for the decrease was GCC countries' 'vision' strategies, wherein the national population is being encouraged to join the private sector, leading to a reduction in the employment of expatriates, particularly in the semi-skilled and skilled sectors.

In addition, low or semi-skilled Pakistani workers in the Middle East typically earn low wages and are often in vulnerable or precarious work situations. Despite the existence of institutions, rules and regulations for emigration of workers for employment, irregularities in the emigration process occurs. Exploitation of migrants and poor working conditions have been widely reported in the literature as well as media, impacting Pakistan's reputation as a labour-sending country. Irregular channels of recruitment have also led to cases of exploitation, including informal channels of remittances sent to workers families via the *hundi* or *hawala* system.⁸

Recruitment of workers has also been a major issue in Pakistan due to the existence of un-registered intermediaries. These intermediaries do not provide migrant workers with a legal means of migration and tend to charge high fees. While this has not had a direct impact on the reduction of workers over the last few years, it is increasingly becoming a situation that requires greater analysis. As of 2019, there are 2,062 valid licensed overseas employment promoters in the country, associated with seven Protectorate Offices. 53 per cent of workers used OEPs to secure employment abroad, while 47 per cent were recruited through their own efforts or through relatives/friends already abroad (GOP, 2019)

⁸ This is a network of informal money brokers who exist using the honour system, in parallel to formal methods of financial transactions. It is an extremely popular means for overseas labour migrants to send money to their families.

Box 3. Recruitment by intermediaries in Sri Lanka

Like other South Asian sending countries, Sri Lanka has also struggled to regulate recruitment intermediaries' (also referred to as 'subagents') involvement in recruitment of foreign employment. The National Labour Migration Policy (2008) notes that despite diverse schemes set in place, the "inability to hold unlicensed subagents accountable remains a growing concern". The policy further notes that "the role of subagents in the recruitment process is a main cause of abuse and exploitation".

The first effort to regulate recruitment intermediaries in Sri Lanka was by issuing identification cards to respective licensed recruitment agents in 2011. However, this attempt was unsuccessful due to a lack of understanding about the scale and scope of intermediaries. Subsequently in March 2016, all licensed recruitment agents were asked to return the identification cards. However, there was an absence of follow-up activities on this request. Despite a plethora of anecdotal evidence from recruitment agents and migrants resulting from the involvement of recruitment intermediaries, such as deception, excessive charges, and trafficking of persons, there was a dearth of substantial information to guide evidence-based policy.

Subsequently, IOM commissioned a study to address this limitation. The report, based on primary research, put forward the following recommendations: regularization of recruitment intermediaries; a revision of the Sri Lanka Bureau of Foreign Employment (SLBFE) Act 1985; establishment of a task force to facilitate such regularization to include standard operating contracts for intermediaries; 'enlisting' of intermediaries through the SLBFE; development of a Code of Ethical Conduct; training of intermediaries; and monitoring and evaluation of their activities.

Source: IOM (2018).

Emigration of Pakistani women is negligible. Recent records indicate that 40,807 female workers went abroad for employment between 1971 and July 2019. This figure includes all female emigrants registered with BE&OE and the Overseas Employment Corporation (OEC). Like their male counterparts, women are placed mainly in the Middle East and their professions differ widely from male migrant workers, with most employed as 'housemaids', doctors, nurses, helpers, general workers and teachers (BE&OE, 2019). This number is far surpassed by other countries in the region such as Sri Lanka and Bangladesh, which send much higher numbers of women overseas for employment, in both the unskilled and semi-skilled sectors.

To reverse this declining trend, more concerted efforts need to be made to explore both other regions, as well as other sectors of work for Pakistani migrant workers. Broadening the scope of labour migration and its alignment with global labour needs should be prioritized.

4. Existing legal and policy framework for labour migration and recruitment

Historically, recruitment has been an integral part of international labour migration systems. Many developing countries developed labour emigration policies to enhance national development and provide employment opportunities for their youth. These countries include Bangladesh, China, Nepal, Nigeria and Sri Lanka, all of whom have comprehensive policies governing the labour emigration process.

Pakistan has also developed a system to encourage labour migration, which is legally governed through legislation and has been in place for several decades. It is managed by a range of stakeholders who are mandated to encourage, recruit, manage and support the migration and welfare of overseas Pakistani workers in all skill categories.

4.1 Legal and administrative framework

The Emigration Ordinance of 1979 is the overarching legal framework governing all forms of overseas labour recruitment and emigration in Pakistan. This replaced the pre-partition era Emigration Act of 1922. Under the 1979 Ordinance and its accompanying rules and regulations, all aspects of the emigration process, including recruitment, costs of migration, and administrative boundaries are strictly clarified and sanctioned.

The Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD) was established in June 2013 through a merger of two previously separate ministries (the Ministry of Human Resource Development and the Ministry of Overseas Pakistanis). Its mandate is to seek employment opportunities abroad for citizens, ensure the welfare of workers and their families (within Pakistan as well as abroad) and coordinate with provincial governments to align the national labour laws with the country's international obligations on labour standards.

The MOP&HRD supervises three agencies and departments for this purpose: the Bureau of Emigration and Overseas Employment (BE&OE); the Overseas Pakistanis Foundation (OPF); and the Overseas Employment Corporation (OEC).

The BE&OE is the main regulatory body that controls as well as facilitates and monitors the overseas migration process. As a department of the MOP&HRD, it is required to handle the export of manpower under the Emigration Rules of 1979. It does this through seven Protector of Emigrants Offices in Lahore, Rawalpindi, Multan, Karachi, Peshawar, Malakand and Quetta. The BE&OE issues licenses to private overseas employment promoters (OEPs) and regulates and monitors the migration of those workers who engage in direct employment by making their own arrangements or arrangements through a relative or friend working abroad.

While the key function of the BE&OE is “to control and regulate the emigration of Pakistani citizens”, the system also exists to control and regulate emigration and to look after the interests and welfare of emigrants. It does this through a grievance system whereby migrants can lodge complaints against OEPs who may not have fulfilled their obligations to workers. It is also responsible for ensuring the safety and protection of workers through liaising with Community Welfare Attachés (CWAs) in Pakistani missions abroad. However, the implementation of such measures, which include bringing home those workers who may have been imprisoned overseas or exploited by employers, is dependent on the capacity of CWAs and diplomatic relations with host countries.

The objective of the OPF is to advance the welfare of Pakistanis working or who have settled abroad and that of their families in Pakistan by identifying problems and contributing to their solutions. These include health care, financial aid, foreign exchange, remittance and education.

On a broader scale, it is also responsible for liaising and engaging with the Pakistani diaspora globally. While not involved in the recruitment of overseas workers, the OPF plays an important role in that it taps into the potential of returning workers to Pakistan who bring in new skills and capacities learned during their time abroad.

As a pilot project, the OPF established a Facilitation and Re-integration Centre in Islamabad to provide returning migrant workers with information and guidance on investments, setting up businesses, project feasibility, securing micro-loans, settlements of outstanding dues from employers abroad, and re-employment. However the utilization of these services have been reported as very low. (MOP&HRD, 2017).

The OEC is the only public sector agency that recruits labour for the overseas market. Established in 1976, it is registered with the Securities and Exchange Commission. Its headquarters are in Islamabad and a regional office is located in each provincial capital. It elicits demand from overseas employers and fulfils the required supply through its roster of registered workers ranging from unskilled to skilled employees. According to the OEC website, more than 141,800 workers have been deployed for overseas employment to 58 countries so far, including South Korea, with whom the OEC has signed an MOU. The OEC manages all components of the migration process including undertaking interviews and tests for employers, facilitating the legal process through the Protectorate offices and even arranging for travel of migrants via their own OEC travel agency.

However, despite its database of almost 190,000 eligible men and women workers in 23 sectors including nursing, medicine, engineering, IT and teaching, the OEC, as an institution to facilitate overseas employment, is still underutilized. Many migrants use private Overseas Employment Promoters (OEPs) to obtain employment due to the expansive network across the country.

4.2. Policy framework

There is no formal labour emigration policy in Pakistan. To date, three attempts to draft such a policy were made. The first attempt was made under the direction of the then Ministry of Labour, Manpower and Overseas Pakistanis in 2008. This policy focused specifically on the promotion of labour in overseas markets. The second attempt was made in 2014 by the newly re-organized Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD). This draft focused more on the welfare of overseas migrants. The third attempt was made once again under the aegis of the MOP&HRD in 2017, with the technical support of the International Centre for Migration Policy and Development (ICMPD). This draft specifically focused on three areas: labour emigration and recruitment, welfare of overseas migrants, and return and reintegration of overseas migrants. None of these policies have been finalized for approval.

The latest attempt at developing a policy in 2017 was the most comprehensive. The three thematic areas it covers, emigration, welfare and reintegration, are not addressed in the Emigration Ordinance 1979, making

it a relevant and timely document. The policy draft further went through a series of revisions and discussions among key federal stakeholders organized by the MOP&HRD in July 2018, in which ILO was involved. This included developing an action plan for the policy. However, due to the change in Government after the 2018 general elections and, as a result, several personnel changes at the MOP&HRD, this policy is still awaiting finalization and ascent to cabinet for approval.

4.3 Other

In 2009, Pakistan developed a four-year national skills strategy, to manage and provide training opportunities for job-seekers in both domestic and foreign markets. A key output was the development of a National Vocational Qualifications Framework (NVQF) designed to help standardize national qualifications against international standards. This was followed by a Technical Vocational Education Training (TVET) strategy in 2018 to create a comprehensive TVET approach at provincial levels.

In 2017, the National Vocational and Technical Training Commission (NAVTTTC), the national body responsible for skills training, launched ‘Skilling Pakistan’, a multi-stakeholder supported program. It was designed to provide a demand driven workforce as per industry and employer requirements to ensure greater employability of TVET graduates. This is being implemented via the National Skills Information Systems (NSIS) which matches skilled graduates across the country to employers both in Pakistan and abroad, though more for the former.⁹

Pakistan has also signed and ratified several international frameworks that govern labour, protection and trafficking in women and children (see Annex 2). It is a member of the Colombo Process and the Abu Dhabi Dialogue, which specifically target labour emigration from South Asia. It is also a signatory of the UN’s Sustainable Development Goals. Pakistan also participates in the Budapest Process, a consultative forum aimed at developing a comprehensive and sustainable system for orderly migration, which also includes Afghanistan, Bangladesh, China, Iran and Iraq.

As part of incorporating migration data into national statistics, the Pakistan Bureau of Statistics is supportive of collecting data to report on SDG indicator 10.7.1 (see box 1). Such data is collected through its annual Labour Force Survey (LFS) for which it is piloting a “migration module”. This includes data collected from sample clusters on overseas labour migration in the existing LFS survey tools.¹⁰ The respondents for the migration module, however, are currently family members of the overseas migrants in Pakistan, rather than the migrants themselves.¹¹

⁹ NAVTTTC in collaboration with Federation of Pakistani Chambers of Commerce & Industry launched the first-ever National Skills Forum on October 2, 2018 as a platform to promote strategic partnerships between the industry and private and public sector organizations delivering technical education and vocational training across the country, for more information see: <https://fp.brecorder.com/2018/10/20181002412056/>. A linkage is being created between the available jobs at BE&OE website and jobseeker’s data maintained by NAVTTTC.

¹⁰ Questions include education; occupation/type of work; duration of overseas employment; reason for going overseas etc.

¹¹ Following the development of guidelines and tools by the ILO and World Bank, the PBS has agreed to collect data on recruitment costs of labour migration through the LFS, by interviewing returned migrant workers.

5. Situational analysis - baseline

The Emigration Ordinance 1979 and its accompanying rules make up the framework that governs the codes of conduct for overseas labour recruitment in Pakistan. The BE&OE has regularly made amendments to the Emigration Ordinance and accompanying Rules, the most recent changes have been made in 2019.

These include updates to the rules in 2012 and minor amendments in 2016 and 2019.¹² Implementation of this law extends primarily to the functions of the BE&OE and its responsibilities vis-à-vis the Protectorate offices, Foreign Service Agreements and the role and conduct of OEPs.

Therefore, the key pieces of existing legislation and policy (or lack thereof) that govern labour migration in Pakistan, remain the Emigration Ordinance 1979 and its accompanying rules, 2012 and 2019. It is primarily these pieces of legislation that this study has used to analyse compliance against the GPOG key principles (see Annex 3 for a detailed table).

This review of current legislation against the ILO GPOG criteria for fair recruitment revealed some clear and emerging issues which could impact overseas labour recruitment in Pakistan.

i. The Emigration Ordinance 1979: The purpose of the Emigration Ordinance 1979 is to govern the migration process. Consistent with its original purpose, the Ordinance and its rules provide clear guidelines regarding the operations of various stakeholders in managing the administrative and legal processes of migration, e.g. the BE&OE and its Protectorates, OEPs and their functioning, grievance redressal for migrants and Foreign Service Agreements (FSAs) with destination countries. This points to the need to address a wider range of issues and to expand, develop and administer more policy level efforts into these underserved and unaddressed areas.¹³

The Emigration Ordinance and its accompanying Rules provide protection to migrant workers at various stages of the emigration process. For example, it is mandatory for each intending migrant worker to appear before the Protectorate of Emigrants Office for registration to ensure that they understand the Foreign Service Agreement and know their rights and responsibilities while working overseas. As per the Ordinance, the CWAs are responsible for looking after the rights and interests of migrant workers.

However, the Ordinance and its accompanying rules do not address issues such as skills training, the rights of workers overseas, the needs of female skilled workers, or research and data on the labour market. While these are beyond its purview, they are issues that are nevertheless vital to increasing opportunities for Pakistanis wanting to work overseas. Likewise, the growing issue of irregular intermediaries in the labour market, even though the Ordinance forbids and penalizes their existence, is also one that is becoming more prominent. The 1979 Ordinance remains the seminal piece of legislation used to prosecute and remediate labour migration issues between OEPs and migrants. However, it would be useful to revisit this legislation to include specifics on such issues.

¹² Defining an “overseas Pakistani”.

¹³ An agreement with Qatar as part of their 100,000 jobs drive was recently reached for setting up Visa Facilitation Centres in two cities (Karachi and Islamabad) for those seeking jobs in Qatar. These centres are now operational.

ii. Data collection on labour migration: The BE&OE regularly collects administrative records on aspiring and departing migrant workers. An analysis of those records is carried out by the research unit of the BE&OE annually, and reports on emigration have been produced since 2016.¹⁴ However these reports present aggregated findings and lack gender disaggregated data. In order to address the dearth of information on returned migrant workers the MOP&HRD, in collaboration with Federal Investigation Agency, has started collecting administrative records on returned migrants as well. The Labour Force Survey, a key source of data on Pakistan's labour force, included a set of questions on international labour migration in the year 2017-18, however those data have not yet been published. Research and further data collection is needed to capture information on labour demands in the destination countries, in order to better match aspiring migrant workers with new and available job opportunities. In addition, NAVTCC derives data of skilled graduates through Provincial TEVTAs and maintains the database which is being linked with the job portal of the BE&OE.

iii. Inter-agency coordination: As mentioned, labour emigration in Pakistan is managed by three key agencies that fall under the MOP&HRD. The BE&OE is the most prominent of these agencies and holds the most authority, given its role in ensuring the smooth functioning of all legal and administrative elements of the Ordinance. The OPF and the OEC, play lesser, but equally important roles in the return and reintegration, workers welfare and in promotion of overseas opportunities, respectively. However, both these agencies can play improved and more prominent roles in securing greater opportunities for Pakistani workers. The OEC, for instance, is well placed to act as a public sector employment promoter, yet it has the lowest uptake in terms of workers sent abroad. Likewise, the OPF can play an important role in further supporting skilled returning workers who are interested in remigration. However, thus far, neither has been able to leverage these advantages.

iv. Skills and qualifications of workers: The National Vocational Technical Training Commission (NAVTTTC) and provincial Technical Education and Vocational Training Authorities (TEVTAs), are the key stakeholders in producing a skilled labour force for Pakistan. Initiatives such as the National Vocational Qualifications Framework (NVQF), are meant to support and complement NAVTTTC's already exhaustive list of training opportunities for unskilled and semi-skilled men and women workers. However, despite this and efforts in upgrading the existing skills of TEVTA graduates such as the 'Skilling Pakistan' program,¹⁵ Pakistani workers still lack the competencies required to compete in jobs in areas such as engineering, medicine, teaching and IT. In addition, skills qualifications received in Pakistan may not be recognized by destination countries, which creates further obstacles in approaching more technically competitive sectors. Once again, in recognizing what is needed for Pakistan to expand its labour force to new and emerging markets outside the GCC region, institutions such as NAVTTTC and the four provincial TEVTAs can play key roles in developing a skilled workforce able to meet competitive global market needs.

14 The data collection process at the Protectorate of Emigrants Office has been computerized (following the implementation of biometric registration system in 2019).

15 To provide demand driven workforce as per the requirement of the industry/employer and the greater employability of TVET graduates, NAVTTTC under TVET Reform Support Program (being implemented by GIZ, the German Corporation for International Cooperation) has developed National Skills Information System (NSIS).

Box 4. Recognizing skills across South Asia

Several of the national, regional and global dialogues on labour migration have recommended developing a mechanism to recognize skills and qualifications across borders. All countries of origin in South Asia have expressed their interest in engaging with countries of destination to create bilateral agreements. While the more tangible and less complicated nature of bilateral agreements is certainly appealing, a regional framework that recognizes skills will help employers in countries of destination to compare skillsets across countries of origin, and therefore, help select workers who best suit their needs. The skills framework will support fairer competition based on a worker's competencies, and not just on a person's ability to pay recruitment fees.

Establishing a regional skills framework is a long-term endeavour which requires the investment of time, resources and coordination across several government agencies and among South Asian countries. In this context, the REFRAME project has compiled an inventory of the current state of the NVQF in Pakistan to determine the level of interest and return on investment among relevant stakeholders. This exercise – completed in 2019 – aimed at assessing the current status of national TVET systems including frameworks and collaborations in TVET. It was able to identify the responsible bodies, key players and their interests; identify strengths and weaknesses; and gauge the level of interest in a regional recognition framework in countries in South Asia and with governmental agencies, industry representatives, workers' groups and other actors.

Source: IOM, 2018; ILO, 2019 State of the National Vocational Qualifications Framework in Pakistan (unpublished).

ix. Role of OEPs: The role and functioning of private sector OEPs occupy a major part of the Ordinance and its accompanying rules. As such, they are both the entry and exit point for the majority of Pakistani workers going overseas. However, in addition to the controversy surrounding the existence of irregular intermediaries in the private sector, especially in rural areas of Pakistan, many OEPs are also not actively involved in searching for new markets and work opportunities outside the GCC region. They are also not proactive in expanding opportunities for women. Strong regulatory mechanisms under the Ordinance and its accompanying rules are meant to control the exploitative practices. In 2016, the Pakistan Overseas Employment Promoters Association (POEPA) developed a Code of Conduct on Ethical Recruitment to serve as the industry's self-regulatory monitoring mechanism. This Code of Conduct has been updated by POPEA, to further support its implementation.

x. Federal vs. provincial jurisdiction: Following the promulgation of 18th Constitutional amendment, labour was devolved to the provinces, while labour migration remained under federal jurisdiction, particularly in terms of governance and policy implementation¹⁶.

Provincial labour departments and TEVTAs are members of a Taskforce of the MOP&HRD regarding overseas employment and skill development. In addition, NAVTTC derives data of skilled graduates through Provincial TEVTAs and maintains the database which is being linked with the BE&OE job portal.

¹⁶ After devolution, the provinces are only responsible for overseeing the enforcement of domestic labour laws and welfare funds.

Each of the four provinces have a sizeable proportion of skilled workers looking for employment. Workers from the provinces revert to OEPs for opportunities with overseas employers, however provinces are not authorized to independently sign MOUs with a destination country to facilitate the migration of skilled labour, which limits their role. For example, Punjab province signed an MOU with Qatar in 2017 to facilitate the migration of unskilled and semi-skilled workers, however the Federal Government ultimately revoked the deal.

Box 5. The National Labour Policy 2010

A National Labour Policy was developed in 2010 to primarily govern the domestic labour market. However, this policy never materialized and became redundant in 2011 when labour was devolved to the provinces.

Among other recommendations, the policy suggested setting up a National Wage Commission to implement a minimum wage system as a fundamental element of labour protection. It also proposed continuing with the existing tripartite minimum wage determination arrangements. The policy also recommended formulating a Manpower Export Committee at the national level. Its functions were to include preparing a marketing plan and strategy for enhancing the strength and capacity of skills training to be on par with standards of destination countries; and establishing a Manpower Export, Research and Information Center (MERIC) within the Bureau of Emigration.

However, none of these recommendations were realized as labour migration or “manpower export”, as it was commonly referred to, is now a federal jurisdiction. The recommendations in this policy regarding overseas labour migration have to a large extent been taken over by the MOP&HRD and BE&OE. However, it would be worth exploring some initiatives such as the MERIC. A similar recommendation was also part of the subsequent draft National Emigration Policy 2017.

This defunct policy also encapsulates the forced boundaries between federal jurisdiction of labour migration vis-à-vis the BE&OE and its Protectorate offices, who are unable to recruit any such labour.

xi. Information provision: Given the constant changes in the global labour market and the need for Pakistan to broaden its scope outside GCC countries, providing transparent and comprehensive information to intended workers regarding opportunities has become an extremely important part of the labour emigration process. Information provision is made through Protectorate offices regarding the safe and legal migration process. However, this is a major gap in guiding appropriate opportunities to qualified workers, particularly since many are unable to access services, especially in rural areas where computer literacy is limited, as is access to the internet.

Box 6. Recent developments in outreach and skill matching

In order to enhance the outreach and services, the establishment of four new Protectorate of Emigrants Offices is in the pipeline. The BE&OE has also begun an awareness campaign to educate intending emigrants through print, electronic and social media, which includes radio messages, awareness through websites, Facebook pages and short messages through mobile cellular companies (3 million SMS/month). Country specific flyers have also been prepared for briefing the intending migrant workers. Several short videos on safe migration and rights and responsibilities of migrant workers have been produced in Urdu and regional languages, and are being disseminated through various channels including social media, the Protectorate Offices and International Airports of Pakistan.

The BE&OE has created online linkage between OEC and NAVTTC for skill matching of available jobs on the BE&OE official website and data of the trained job seekers maintained by NAVTTC through the National Skills Information System. An MOU has been signed between OEC and NAVTTC for this initiative. The matched data will also be available for potential OEPs as well.

xii. Protection of workers overseas: Non-payment of wages, contract substitution, confiscation of passports by employers, unacceptable living and working conditions, as well as the inability to change employers if the employment relationship is prematurely terminated by the employer have been reported. Section 5 of the Ordinance rules and regulates (2012) specifies the role of the labour attaché (or the Community Welfare Attaché) in Pakistani missions abroad to ensure the welfare of workers and resolve disputes with employers in destination countries. In addition, there are several sections that pertain to grievance redressal of workers via the BE&OE. However, there is still a lack of capacity among foreign missions in the GCC region to handle complaints effectively, as well as to liaise with employers in destination countries. Most complaints against OEPs are dealt with swiftly by the BE&OE, however, there needs to be an even more efficient handling of worker grievances, particularly in destination countries.¹⁷

xiii. The role of trade unions and civil society: Advocacy in relation to labour migration is a relatively new concept in Pakistan. Many trade unions and civil society organizations overlooked the issue of migrant rights, particularly the rights of migrant workers or issues like exploitation by employers overseas, irregular recruiters, or supporting female migration and employment abroad. The MRCs have taken over this role in some ways, but even they are limited in their scope and the level of information they can provide. There is a great need to support trade unions and civil society organizations to conduct research on and advocate for greater migrant worker rights and welfare, as well as to conduct more evidential research on issues such as irregular intermediaries.

¹⁷ In response to exploitation and abuse of female domestic workers in the GCC region, the federal Government has imposed an age limit of 35 years for female domestic workers/maids to proceed for overseas employment.

6. Opportunities for the REFRAME project

Based on the recommendations identified primarily by the BE&OE and some of the key issues that surfaced from the analysis, the following areas emerged as opportunities for collaboration between the REFRAME project, the Government of Pakistan and other development partners to improve emigration processes and opportunities.

- i. Research on expanding labour market opportunities:** More systematic research on skills training opportunities and needs for overseas workers, including women, is required to strategically target labour market needs overseas. Research cells are currently operating in both BE&OE and OEC.

The REFRAME project could extend technical support to the MOP&HRD to strengthen these research units, given its access to global research on labour market trends.

- ii. Data collection and labour migration statistics:** The BE&OE has become very active in providing updated data on annual emigration statistics through its Protectorate offices. It also maintains an online vacancy database, though is not easily categorized by occupation, and skill level. The BE&OE has recently initiated linkages with the NAVTTC database/national skills information system through the OEC. Also, this year the Bureau of Statistics, has included a section on international migration statistics in its Labour Force Survey data. NAVTTC is also collecting data on skills training and acquisition.

Given the new biometric registration system and existing data collection mechanisms, the REFRAME project could assist MOP&HRD in further linking these various databases with the latest technology and help to increase access to underused areas. This is an opportunity to create a comprehensive package of annual administrative data to align registered workers with opportunities based on skills. The database could also be an integral part of the research unit in MOP&HRD.

- iii. Align skills training with demand for skills overseas:** This is an area which is crucial to strengthening Pakistan's competitive foothold in overseas markets. The BE&OE has raised the issue of up-skilling migrants to match the needs of an expanding overseas labour market.

REFRAME could partner with both the BE&OE and NAVTTC to raise the profile of skills training and incorporate it as a prerequisite for unskilled and semi-skilled workers wanting to seek better opportunities overseas. The project could use this opportunity to upgrade skill training curriculums that include growing sectors such as hospitality, elderly care giving and management sciences.

- iv. Information dissemination on pre-departure:** The BE&OE is providing information on safe migration via video links and pre-departure training to departing emigrants at its seven Protectorate Offices. The BE&OE is already working on modernizing its training methods through mobile and video technology. However, these upgrades are still in the nascent stages. The Migrant Resource Centres in Islamabad and Lahore are assisting the BE&OE and plan to provide training and capacity building to the Protectorate and BE&OE staff to upgrade these sessions.

REFRAME should raise awareness regarding safe and regular migration processes at the pre-employment stage to promote fair recruitment. REFRAME could assist cooperation between MRCs and the BE&OE to revise the pre-departure orientation training to make it more comprehensive and efficient, including updating the training methods.

- v. Support partnership with OEC to expand labour market/expertise through the public sector:** The OEC sends only a fraction of Pakistan's total emigrating workforce. Nevertheless, due to its profile as a public sector agency, it carries more weight and transparency within the government and could provide more opportunities to migrant workers, particularly women, looking for higher skilled opportunities.

REFRAME could partner with the OEC to provide greater resources and leverage so that it engages a larger share of the workforce within its current profile. If workers recognize the organization's credibility as an employment promoter, this may help alleviate the role of subagents.

- vi. Explore opportunities to increase information awareness through employment centres:** Part of the recruitment process includes alerting the workforce to opportunities abroad. Currently, OEPs advertise opportunities based on the demands they receive from specific overseas employers. While updated information on verified foreign jobs and licensed OEPs is available on the BE&OE's website, it may not always be easily accessible to many prospective emigrants who either may not be aware of it, or who do not have easy access to electronic platforms. Employment centres at the district or provincial level can alert workers to opportunities more transparently and provide information needed to make informed decisions.

The ILO and MRCs can take the lead in informing the general public about safe and regular migration processes at the pre-employment stage. REFRAME could work with the BE&OE in creating pilot career counseling/employment centres throughout the country which could play this role. The MRCs could also assist in this by hosting these centres as part of promoting information awareness. The REFRAME project can also support BE&OE and NAVTTC to strengthen the databases to be more easily searchable, e.g. expanding search functions, streamlining application processes, and allowing third parties to access the website's database for information. The project can disseminate information on this resource through awareness raising activities at grassroots level.

- vii. Regionalize language and provide information in appropriate mediums:** To reach as many workers as possible, especially in the unskilled and semi-skilled categories, the MOP&HRD must provide skills and pre-departure trainings together with information dissemination in the regional languages using more accessible means of communication, especially for women and intending migrant workers from rural areas who may have no/low literacy levels. This may include workers' agreements and contracts, as well as language training.

REFRAME could provide technical support to the BE&OE in strengthening the quality of pre-departure orientation at the seven Protectorate offices. REFRAME could support the BE&OE in developing different modules catering to language training, rights of overseas workers, how to read and interpret an employment contract, among other considerations. As outgoing emigrants from certain regions and districts are unable to stay for a long period of time, these centres would need to ensure that each worker receives this

training as a mandatory part of their emigration process. This would also help replace the current system of pre-departure ‘briefings’ which consist of a short summary of the departure process in Urdu, which many workers do not even attend.

viii Policy and advocacy: In addition to information gaps about the labour market, advocacy is lacking around the issue of irregular intermediaries, gaps in legislation and migrant worker rights and their welfare. There is a need to involve more civil society organizations, including from areas where there is greater irregular migration, to reach populations who might be misled or misinformed. More evidence is needed on issues such as human rights abuses by employers in destination countries, grievance redressal for workers in Pakistan (including OEPs) and evidence on irregular intermediaries.

REFRAME could actively highlight gaps in the legislation which require greater policy formulation and advocacy efforts, such as irregular intermediaries, female migration, the role of Pakistani missions overseas and new and emerging skill sectors. The project could conduct research in these areas with the help of relevant civil society organizations and possibly also create a network of such organizations who can work together to create a more public profile for the plight of migrant workers.

ix Engagement with OEPs: As the most common intermediary between migrant workers and their employers, OEPs form the backbone of labour migration from Pakistan. Therefore their functioning needs to be aligned with the principles of fair recruitment as to protect the rights of migrant workers.

REFRAME could work with POEPA to strengthen their capacity to implement the code of conduct for fair and ethical recruitment. By increasing their own capacity and effectiveness, such as looking for markets beyond the GCC region, they could provide both male and female migrants with greater and safer opportunities for employment aboard, as well as further professionalize their services.

7. Conclusion

The Emigration Ordinance of 1979 is the main legal framework governing labour migration in Pakistan. Its accompanying rules were revised and implemented in 2012 and 2019. However, the need remains for a comprehensive policy and action plan that visualizes the strengths and weaknesses of the sector and that advances along with the global labour market. This is particularly relevant as legislation in Pakistan can take decades to be revised or repealed, if done at all.

The ILO REFRAME project can use this baseline study to ascertain possible areas of collaboration with the Government to strengthen its practices for fair recruitment and labour migration. Advocacy efforts with the Government and MOP&HRD, in terms of highlighting gaps in legislation and policy, is perhaps the most important contribution REFRAME can make given the need to update legislation. However, rather than suggest any changes in legal practices, which requires a concerted political effort, the study may pave the way for the Emigration Ordinance 1979 to be further amended to both reflect evolving migration trends and safeguard Pakistan's labour force at home and abroad.

8. Annexure

Annex 1: Methodology and limitations

This study was envisioned as a mix of desk reviews of existing laws and policies in Pakistan as well as a series of qualitative interviews with relevant stakeholders involved in the labour recruitment process. In addition to gathering information about the status of existing laws and policies governing labour recruitment, challenges to the implementation of these laws was also analysed based on available information.

The ILO General Principles and Operational Guidelines for Fair Recruitment (GPOG), formed the framework for this review. The GPOG document covers 13 general principles and operational guidelines for governments, enterprises and public employment services, labour recruiters and employers.

On a very practical level and to initiate discussion, a simple matrix was designed to elicit and circulate information to key stakeholders (see Annex 4). These stakeholders included:

- The Ministry of Overseas Pakistanis and Human Resource Development (MOP&HRD)
- The Bureau of Emigration and Overseas Employment (BE&OE)
- The Overseas Employment Corporation (OEC)
- The National Vocational Technical Training Commission (NAVTTTC)
- The Pakistan Overseas Employment Promoters Association (POEPA)
- The International Organization for Migration (IOM)
- The International Centre for Migration Policy Development (ICMPD)

However, information gathering for the study was hampered due to the general elections held in July 2018 and the subsequent change of Government. Due to this change, the overall state transitioned to the new setup and issues and comments made by the previous Government were put on hold. This included the MOP&HRD, which had recently acquired a new Secretary and was in the process of appointing new staff as well.

As a result, even non-government stakeholders such as the ICMPD and ILO, who had been extremely active in this area, struggled to move forward. This affected our ability to speak to many stakeholders, who were either unavailable or who were unable to contribute to the study.

The matrix was finally completed by two stakeholders (BE&OE and the OEC) and despite reaching out multiple times by phone and email, several other stakeholders could not be contacted. As a result, this study relied on whatever official documentation was publicly available.

Annex 2: International Conventions on labour migration and ratification status for Pakistan

International Conventions	Signed/ratified
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965	Ratified, 1966
International Covenant on Civil and Political Rights (ICCPR), 1966	Ratified, 2010
International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966	Ratified, 2008
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	Signed, 1996
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	Ratified, 2010
Convention on the Rights of the Child (CRC), 1989	Ratified, 1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 1990	No
United Nations Convention against Transnational Organized Crime, 2000	Ratified, 2010
Protocol to Prevent, Suppress, Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nation Convention against Transnational Organized Crime, 2000	No
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nation Convention against Transnational Organized Crime, 2000	No
ILO Equal Remuneration Convention, 1951 (No. 100)	Ratified, 2001
ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111)	Ratified, 1961
ILO Forced Labour Convention, 1930 (No. 29)	Ratified, 1957
Abolition of forced labour Convention, 1957 (No. 105)	Ratified, 1960
ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	Ratified, 1951
ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	Ratified, 1952
ILO Worst Forms of Child Labour Convention, 1999 (No. 182)	Ratified, 2001
ILO Minimum Age Convention, 1973 (No. 138)	Ratified, 2006
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
ILO Migrant Workers Recommendation, 1975 (No. 151)	No
ILO Domestic Workers Convention, 2011 (No. 189)	No
ILO Private Employment Agencies Convention, 1997 (No. 181)	No
SAARC Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution	Ratified, 2002

Annex 3: Law and policy baseline

This study was envisioned as a mix of desk reviews of existing laws and policies in Pakistan as well as a series of qualitative interviews with relevant stakeholders involved in the labour recruitment process. In addition to gathering information about the status of existing laws and policies governing labour recruitment, challenges to the implementation of these laws was also analysed based on available information.

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>1. Recruitment laws and policies should respect, protect and fulfil internationally recognized human rights, including those expressed in international labour standards such as the right to freedom of association and collective bargaining, prevention and elimination of forced labour, and child labour and discrimination in respect of employment and occupation.</p>	<p>Emigration Rules 1979 amended to 2012, 2016 and 2019 in all places. Rule 31A - No emigrant below the age of 18 years, who is unaccompanied by a parent, guardian or relative of over 18 years of age shall be assisted to emigrate unless otherwise directed by the federal Government for reasons to be recorded in writing. Rule 25 (xi) - The minimum age for employment of women as domestic maid (ayas and governesses) shall be [thirty five] years, or as the federal Government may, from time to time, fix for various categories of women workers and no Overseas Employment Promoter shall accept a demand for women workers of less than such age; Provided that the federal Government may, in special cases, for reasons to be recorded in writing, relax the minimum age limit by five years.</p>	<p>Take proactive steps to increase women's participation in overseas employment (BE&OE; 2017).</p>
<p>2. Recruitment laws and policies respond to established labour market needs and do not serve to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work.</p>	<p>Emigration Rules 1979 amended to 2012, 2016 and 2019 Rule 5 In addition to such other duties as may be defined, under section 7 of the Ordinance 1979, a Labour Attaché shall: (a) be responsible for the promotion of overseas employment. Rule 17 (2) On being satisfied that the terms and conditions of employment abroad offered by a foreign Government are satisfactory, the [Corporation] shall take such measures as [it] may deem fit for meeting the demand without adversely affecting the needs of the country.</p>	<p>To facilitate and enhance the export of manpower to other countries. The establishment of four additional POEs in high migrant districts is planned (BE&OE, 2019).</p>
<p>3. Appropriate legislation and policies on employment and recruitment are in place and apply to all workers, labour recruiters and employers.</p>	<p>The Bureau of Emigration and Overseas Employment (BE&OE) issues licenses to Overseas Employment Promoters (OEPs) in private sector under section 12 of Emigration Ordinance, 1979.</p>	<p>The 2017 draft National emigration and welfare policy is awaiting approval.</p>

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>4. Recruitment laws and policies consider policies and practices that promote efficiency, transparency and protection for workers in the recruitment process, such as mutual recognition of skills and qualifications.</p>	<p>National skills strategy 2009-2013</p> <p>NAVTTTC will focus on the Middle East to interact with counterpart organizations to assess skills needs in the region and opportunities for Pakistani skilled workers.</p> <p>Supplementary programmes will be developed for skilled workers planning to go abroad. These will include language courses and preparatory information regarding the social and legal structures of the host country. On-site training in the country of work, to upgrade workers' skills, will also be organized.</p> <p>In order to increase recognition of Pakistani qualifications abroad, NAVTTTC will work to establish institutional partnerships for international accreditation, joint certification and mutual recognition agreements.</p> <p>NAVTTTC will establish a central information management system. Information of particular use will be collected by Labour Attachés posted abroad, regionally based skills development councils and trade organizations.</p> <p>National TVET policy 2018 - Maintain and expand the export of labour by encouraging people to obtain internationally recognized qualifications through training programmes and through new assessment arrangements that take prior learning and experience into account.</p> <p>The Government of Pakistan launched the National "Skills for All" Strategy in 2018. The "Roadmap for Skill Development in Pakistan" aims to support the development of a skilled workforce in conformity with international standards. The Roadmap outlines the following recommendations:</p> <ol style="list-style-type: none"> i. Strengthen National Skills Information Systems for job placements and career counseling. ii. Establish country of destination specific TVET institutes. iii. Assign quantifiable targets to overseas Pakistani missions and commercial attaches for the Pakistani workforce in the overseas job market. iv. Collaborate with regional countries for a mutually recognized TVET qualification framework. v. Establish a certification regime for workforce seeking overseas employment. 	<p>Various steps are being considered to prepare Pakistani workers for the Dubai Expo, 2020, and to secure a greater representation of workers in the UAE. Skills development is a chief focus area required to address evolving market needs. The BE&OE is in liaison with NAVTTTC and TEVTAs to foster a competitive workforce by supporting curriculum development aligned with international standards and which reflects global as well as GCC regional labour demands (BE&OE, 2017).</p> <p>Various steps are under consideration to capture the labour market of UAE with special reference to Dubai Expo, 2020. There will be the demand of skilled workforce in future and Government of Pakistan is cognizant to the fact and working on skill development of workers. To meet the demand of skill development, BE&OE is in liaison with the NAVTTTC and TEVTAs for the curriculum preparation as per international standards especially for GCC countries (BE&OE, 2017).</p> <p>The Government of Pakistan is working with UAE to upskill and certify its workforce. Four institutes¹⁸ have been accredited by UAE Government under the Pilot Project on Skills Up gradation Accreditation of Vocational Training Centre in Pakistan (BE&OE, 2017).</p> <p>The National Skills Information System was developed in 2017 to provide information to job-seekers and employers in Pakistan and overseas. This system was also developed to provide information on suitable employment opportunities to TVET graduates in all four provinces.</p> <p>The Pakistan National Vocational Qualifications Framework is the core component of a national integrated TVET system. Through this framework, established in 2017, NAVTTTC will help facilitate dialogue with relevant authorities and bodies in key foreign countries to clarify and inform on issues related to international qualifications.</p> <p>Priority is given to establishing links with the NVQF and the frameworks of key individual member states, SAARC regional framework and individual member countries and the qualifications frameworks of the UAE and other Middle Eastern countries.</p>

¹⁸ Institute of Technical and Professional Education, Rawalpindi; College of Technology, Mandi Bahauddin; Construction Technology Training Institute, Rawalpindi; Applied Technologies Institute, NLC, Mandra

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>5. Regulation of employment and recruitment activities are clear and transparent and measures exist to effectively enforce them. Labour inspectorate have a relevant role in monitoring recruitment practices and standardized registration, licensing or certification systems are in place. The competent authorities take specific measures against abusive and fraudulent recruitment methods, including those that could result in forced labour or trafficking in persons.</p>	<p>Those OEPs who fail to fulfil the required criteria cannot get the renewal under Emigration Ordinance 1979</p> <p>Emigration Rules 1979 amended to 2012, 2016 and 2019</p> <p>Rule 7. No person shall assist or attempt to assist a person to emigrate for the purpose of employment abroad by obtaining or helping to obtain necessary passage from Pakistan to a foreign country, unless the worker is in possession of a valid License in Form I.</p> <p>Rule 11. No Overseas Employment Promoter shall appoint any sub-promoter.</p> <p>Rule 18 (2) The [Director-General, Bureau of Emigration and Overseas Employment] may, after such inquiry as he may deem necessary, allow such Overseas Employment Promoter to process the demand of a foreign Government through the Protector of Emigrants.</p> <p>Rule 20-A. Where a foreign employer (whether a Government or private sector) appoints any Overseas Employment Promoter to process the demand in respect of nominated persons and the Director General, Bureau of Emigration and Overseas Employment, is satisfied that the wages and other terms and conditions of service offered are reasonable, permission may be granted to process the demand in respect of such persons and nothing contained in sub rule (1) of rule 20 shall apply in relation of that demand.</p>	<p>The BE&OE developed an in-house Management Information System (MIS) which includes a license module as an integral component. The license module has two segments or sub-modules; issuance of new licenses (deployed at BE&OE) and license operational activities (deployed at POE offices). Bureau is maintaining the data of OEPs through the "Issuance of New Licenses" sub-module (BE&OE; 2017).</p> <p>In March 2019, the government implemented a project to register intending emigrants via a biometric verification system, through a MOU with NADRA. All POEs are now undertaking digital registration and biometric verification of departing migrant workers. The initiative aims to ensure transparency and streamline the registration process.</p> <p>The number of Protectorate of Emigrants offices needs to be increased to reduce the burden on existing offices. Priority should be given to establishing these in interior Sindh and Balochistan (BE&OE, 2017). The establishment of additional POEs is in four high migrants districts is in the pipeline (BE&OE 2019).</p> <p>Efforts are required at the diplomatic level to start an online emigration system through which labour demands and supply could be made online. This would make the emigration cycle more transparent, fast and cost effective.</p> <p>The current Government, as of August 2018, initiated several projects which were devised previously such as Call Sar zameen, the Ministry's digital 24/7 complaint cell; emigrants biometric verification system, Naya Pakistan Calling; a gateway for professional Pakistanis to share their experiences regarding national development; an e-governance system; the establishment of Qatar Visa Centres; Citizen Portal and strengthening banking channels.</p>
<p>6. Recruitment across international borders should respect the applicable national laws, regulations, employment contracts and applicable collective agreements of countries of origin, transit and destination, and internationally recognized human rights, including the fundamental principles and rights at work, and relevant international labour standards. These laws and standards should be effectively implemented.</p>	<p>Rule 8. Regulation of Emigration (Ordinance) (1) Emigration from Pakistan to all countries of the world for the time being recognized by Pakistan shall be lawful if it is in conformity with the provisions of this Ordinance and the rules.</p> <p>(2) Subject to the provisions of this Ordinance and the rules and any other law for the time being in force, the emigration of a citizen of Pakistan shall be lawful if he is in possession of a letter of appointment or a work permit from a foreign employer or an employment visa or an emigration visa from a foreign Government, or he has been selected for emigration by the foreign employer through the Director General or by an Overseas Employment Promoter or under an agreement or treaty between the Government of Pakistan and a foreign Government.</p> <p>(Emigration Rules updated in 2019)</p> <p>Rule 7. Unauthorized persons not to assist in emigration. No person shall assist or attempt to assist a person to emigrate for the purpose of employment abroad by obtaining or helping to obtain for him necessary passage from Pakistan to a foreign country, unless he is in possession of a valid License in Form I: Provided that the Federal Government may, by order in writing, exempt any person, public limited company, a statutory body or accredited foreign employer from the provisions of this rule subject to such conditions as may be specified in the order.</p>	<p>The Emigration Rules 1979 have been revised/updated in 2012, 2016 and 2019.</p>

Unlawful emigration, etc. – (1) Whoever, except in conformity with the provisions of this Ordinance and rules, emigrates or departs or attempts to emigrate or depart shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Rule 11. Overseas Employment Promoters not to appoint Sub-Promoters, etc. No Overseas Employment Promoter shall, appoint any sub-promoter.

Rule 16. Passage from Pakistan to the place of employment. Unless otherwise provided in the Foreign Service Agreement, the return journey passage of an emigrant on completion of his contract shall be borne by the employer. (4) In case the Overseas Employment Promoter recruits an emigrant for employment abroad, and the employer finds him unfit for such employment and refuses to accept him on this account, the Overseas Employment Promoter shall be liable to pay for the passage of such emigrant from Pakistan to the place of employment abroad and back.

Rule 18. Overseas Employment Promoter to process foreign Government's demand.

(1) In case a foreign Government appoints any Overseas Employment Promoter to process its demand the Overseas Employment Promoter shall apply to the Director General, Bureau of Emigration and Overseas Employment for according approval to process such demand.

(2) The Director General, Bureau of Emigration and Overseas Employment may, after such inquiry as he may deem necessary, allow such Overseas Employment Promoter to process the demand of a foreign Government through the Protector of Emigrants.

Rule 19. Scrutiny of private sector demands by the Protector of Emigrants.

(1) Any demand for persons or class of persons for employment abroad from an employer in foreign private sector shall be submitted by the Overseas Employment Promoter to the Protector of Emigrants who shall scrutinize the demand and, on being satisfied that the Overseas Employment Promoter is in possession of power of attorney from the employer and a letter of manpower demand, duly attested by the Pakistan Embassy or the Ministry of Foreign Affairs of the employer's country or the Embassy of the employer's country in Pakistan and the wages and other terms and conditions of service offered are reasonable, grant permission to process such demand.

Rule 20. Violation of terms of agreement with foreign employer by emigrant. Whoever violates the terms of the agreement with his foreign employer by abandoning his employment or otherwise shall, after his repatriation to Pakistan, be punishable with fine which may extend to ten thousand rupees.

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>7. Law and policies specifically prohibit charging of recruitment fees or related costs to workers or job-seekers.</p>	<p>Rule 27. Violation of Foreign Service Agreement. (1) In case of violation of any of the terms of Foreign Service Agreement by the employer, the emigrant shall lodge a complaint against the employer with the Embassy of Pakistan and forward a copy thereof to the Bureau. (2) On receipt of a complaint under sub-rule (1) the Embassy of Pakistan shall assist the emigrant by persuading the employer to abide by the Foreign Service Agreement, failing which the Embassy shall take up the matter with the local authorities or labour courts to redress the grievances of the emigrant. (3) The Labour Attaché shall submit a report of such incident to the Federal Government and the Bureau may direct the Overseas Employment Promoter to contact the employer and persuade him to abide by the terms of the Foreign Service Agreement.</p> <p>Emigration Rules 1979 amended to 2012, 2016 and 2019 Rule 4-A. A sum of two hundred rupees will be levied in respect of every person permitted by Protector of Emigrants for employment abroad in private sector, public sector or direct employment for the purpose of promotion of emigration of citizens of Pakistan by the Corporation and shall be deposited in the account of the Corporation.</p> <p>Rule 15. 6 (1) A person selected for employment abroad by an Overseas Employment Promoter or the Corporation shall deposit a sum of PKK6,000, in the case of a monthly salary of up to US\$1,200 or equivalent to it in any other currency, and PKK10,000 in the case of a monthly salary equal to US\$1,201 or more or equivalent to it in any other currency, with a branch of a bank which shall issue a certificate in accordance with form 7.</p> <p>Rule 25(vi) All Overseas Employment Promoters shall ensure that not less than the salary and other benefits as mentioned in the foreign service agreement are given to an emigrant during the entire period of their employment abroad.</p> <p>(vii) There shall be no verbal or written understanding between any employer and the Overseas Employment Promoter for the payment of salaries or other terms and conditions to the disadvantage of the emigrants.</p>	<p>In 2017, the BE&OE signed an agreement with State Life Insurance Corporation of Pakistan to enhance the insurance coverage duration from 2 years to 5 years by charging PKR 2,500 instead of PKR 2,000 (BE&OE, 2017).</p> <p>Each intending emigrant was required to deposit a mandatory Government fee under Rule-21/22, 23 & 26 in three different banks, which was cumbersome. In this regard, the BE&OE made an agreement with National Bank of Pakistan to streamline the process through which the intending emigrants could deposit their fees under a single deposit slip (BE&OE, 2017).</p> <p>The Ministry, through CWAs, is pursuing needed workers for Pakistan without any procurement costs and by reducing the involvement of HR intermediaries. Reducing costs for intending emigrants was obtained by reducing OEC's Service Charges.</p>

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>8. The terms and conditions of a worker's employment are appropriate, verifiable and easily understandable by the worker, and preferably are communicated through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements. They are clear and transparent, and inform the workers of the location, requirements and tasks of the job for which they are being recruited. Written contracts are in a language that the worker can understand and are provided sufficiently in advance of departure from the country of origin. Measures to prevent contract substitution are in place and enforced.</p>	<p>Rule 21 (1) The Protector of Emigrants shall register the foreign service agreements and issue a certificate of registration in respect to each emigrant after satisfying that i) each person fulfils the qualification and experience in the demand received from the employer and may obtain from the Overseas Employment Promoter in writing that's suitable and qualified persons have been selected in accordance with the employers requirements; ii) the Overseas Employment Promoter has explained to such persons the contents of the agreement in their own language; iii) the persons fully understand the terms and conditions of service contained in the agreement and have voluntarily offered themselves for employment abroad.</p> <p>Rule 25(viii) Under all circumstances the emigrant should receive a copy of the foreign service agreement and the contents explained in detail in the presence of the Protector of Emigrants.</p>	<p>N/A</p>
<p>9. Laws and policies specifically guarantee workers' voluntary agreement to the terms and conditions of recruitment and employment and these laws and policies protect workers from deception or coercion.</p>	<p>Emigration Rules 1979 amended to 2012, 2016 and 2019</p> <p>Rule 19. (1) Any demand for persons or class of persons for employment abroad from an employer in foreign private sector shall be submitted by the Overseas Employment Promoter to the Protector of Emigrants. The demand will be scrutinized and if satisfied that the Overseas Employment Promoter is in possession of the power of attorney from the employer and a letter of manpower demand duly attested by the Pakistan Embassy or the Ministry of Foreign Affairs of the employers country or the Embassy of the employers country in Pakistan and the wage and other terms and conditions of service offered are reasonable, grant permission to prove such demands.</p> <p>Rule 21ii) the Overseas Employment Promoter has explained to such persons the contents of the agreement in their own language; iii) the persons fully understand the terms and conditions of service contained in the agreement and have voluntarily offered themselves for employment abroad, register the foreign service agreements and issue a certificate of registration in respect of each emigrant.</p> <p>Rule 25 xiii) No Overseas Employment Promoter shall charge any fee other than the service charges referred to in rule 15, from any person desiring to emigrate.</p> <p>xiv) The Overseas Employment Promoter shall not pay any gratification to the Protector of Emigrants or to staff members or to any one in the State Bank or at the airports and shall strongly resist corruption at all levels.</p>	<p>N/A</p>

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>10. Measures to provide workers with access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment are in place.</p>	<p>Emigration Rules 1979 amended to 2012, 2016 and 2019 In addition to such other duties as may be defined, under section 7 (of the Ordinance), a Labour Attaché shall:</p> <ul style="list-style-type: none"> (a) be responsible for the promotion of overseas employment; (b) be responsible for the welfare of the emigrants; (c) be responsible for safeguarding the interest of emigrants in the host country including settling of the disputes and negotiations with their employers; (d) attend to all complaints of the emigrants and find adequate remedy therefore or report to the Director General; and (e) send periodical reports as may be required by the Director General on all aspects of his activities, including labour market trends, inflation and cost of living. 	<p>The BE&OE has made all foreign jobs/demands available online. This enables job-seekers to search for relevant jobs in accordance with their qualification and skills in an efficient manner (BE&OE, 2017).</p> <p>The BO&OE is also upgrading the briefing halls of Protectorate of Emigrants offices to provide a better training environment for departing migrant workers. Furthermore, country-specific flyers and video documentaries are also being developed (BE&OE, 2017).</p> <p>Moreover, additional Migrant Resource Centres should be established in all major cities of Pakistan to create awareness recommended by BE&OE.</p> <p>It is also recommended that new orientation and briefing centres be established initially at the division level and later extended to the district level to solidify proper briefing to the intending emigrants. These centres could start as a collaborative effort between the MRC, established under MOP&HRD, and with technical assistance from the ILO. It is recommended that the centres be linked with main database through the BE&OE's I.T Directorate.</p> <p>The OEC proposed developing a new dynamic, responsive and informative website, with a proper dashboard to enable the intending emigrants to upload and update their data for foreign employers. Through the proposed online platform, foreign employers will be able to easily analyse the available applicants against hiring needs. Transforming the OEC into an IT-based organization by introducing e-operations/e-filing systems will streamline the recruitment process for both workers and employers (BE&OE, 2017).</p> <p>NAVTTTC has also established an online web portal (http://jobplacement.gov.pk) to provide job-seekers with information about a range of vacancies and a list of registered employers for skills matching.</p> <p>Skilling Pakistan is a similar initiative also spearheaded by NAVTTC under the National Skills Information System, which matches job-seekers with employers across the country by region. To date, both these initiatives cover only the domestic employment market in Pakistan. https://www.skillingpakistan.org</p>
<p>11. Laws and practice grant workers' freedom to move within a country or to leave a country and protect workers right to not have their identity documents and contracts confiscated, destroyed or retained.</p>	<p>Under the Constitution of Pakistan all citizens have the right to move freely within and outside the borders.</p>	<p>N/A</p>
<p>12. Laws and policies grant workers the right to freely terminate their employment and return to their country. Migrant workers should not require the employer's or recruiter's permission to change employer.</p>	<p>N/A</p>	<p>N/A</p>

GPOG Criteria	Law/Policy Baseline	Current Government of Pakistan
<p>13. Laws and policies grant workers, irrespective of their presence or legal status in a state, the right to access free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuses in the recruitment process. Effective and appropriate remedies are in place for workers when abuse has occurred.</p>	<p>Emigration Rules 1979 amended to 2012, 2016 and 2019 Rule 26. Establishment of welfare fund. - (1) A welfare fund should be established to which the following amounts shall be credited, namely: (i) Some PKR 2,000 paid by each emigrant and credited to the welfare fund. (ii) Interest accrued on the amount of security deposited by the Overseas Employment Promoters; (iii) Contributions and donations that may be made by public, corporate bodies companies, welfare associations, societies and banks; and (iv) any other source. 5 (2) The welfare fund shall vest in the Overseas [Pakistanis] Foundation which shall control the said Fund and may invest money and incur expenditure there from on; Rule 27. Violation of Foreign Service Agreement. - (1) In case of violation of any of the terms of foreign service agreement by the employer, the emigrant shall lodge a complaint against the employer with the Embassy of Pakistan and forward a copy thereof to the Bureau. (2) On receipt of a complaint under sub-rule (1) the Embassy of Pakistan shall assist the emigrant by persuading the employer to abide by the foreign service agreement, failing which the Embassy shall take up the matter with the local authorities or labour courts to redress the grievances of the emigrant. (3) The Labour Attaché shall submit a report of such incident to the federal Government and the Bureau may direct the Overseas Employment Promoter to contact the employer and persuade said employer to abide by the terms of the foreign service agreement. Rule 28. The Protector of Emigrants shall have a locked complaint box affixed to the office gate in which any person may deposit complaints and the Protector of Emigrants shall, after such inquiry as deemed necessary, take appropriate action or make a report to the Director-General with full particulars of the complaint and any recommendations. Rule 30. Disposal of complaint by Labour Attaché. - (1) On receipt of a complaint from an emigrant, the Labour Attaché shall take the following actions, namely: - (a) If the complaint is against the employer: - (i) the Attaché shall assist the complainant to settle their grievances with the employer; and (ii) if it cannot be settled under sub clause (i), and the remedy lies with the local labour courts or the local authorities, the Attaché shall assist the complainant in finding remedy for grievances in such courts as the case may be; and (b) If the complaint is against an Overseas Employment Promoter, the complaint should be referred to the federal Government or the Director-General along with necessary facts and recommendations. (2) In the case of a complaint from an employer against the Overseas Employment Promoter, the Labour Attaché shall, after such inquiry as deemed necessary, send a report to the federal Government or the Director-General with recommendations for taking action under rule 29. (3) In the case of a complaint from the employer against the emigrant, the Labour Attaché shall persuade the emigrant to abide by the terms of the foreign service agreement and in the case of a gross misconduct by an emigrant, the Attaché shall recommend to the federal Government or the Director-General the deportation of the emigrant.</p>	<p>A national emigration and welfare policy is being formulated, after consultation with relevant stakeholders, with the best interest of migrant workers and their families. This migration policy should have clear guidelines and a strategy to minimize the complaints of Pakistani migrant workers through upgrading the complaint mechanism system.</p> <p>A Complaint Resolution Mechanism System has been established and is housed in the BE&OE to settle complaints received from different channels i.e. from MOP&HRD, Wafaqi Mohtasib Secretariat, Call SarZameen; Citizen Portal; Overseas Pakistanis Commission; Community Welfare Attaché.¹⁹</p> <p>Complaints mechanisms at the OPF and OEC are also available through their respective online forums.²⁰</p>

19 In 2018 the Bureau received 2,653 complaints against OEPs. Out of these, 1,469 complaints were settled. 816 were carried forward and 372 cases were referred to the Federal Investigation Agency.
 20 The complaint registration and handling mechanism is centralized and handled by MOP&HRD. All complaints received through various institutions or sources are routed to the relevant authorities or departments.

Annex 4: Data collection matrix

	Current governing legal framework (with date)	Current government policy framework (if any, in process)	Adherence/ compliance with International Labour Standards and/or conventions (Please indicate which ones)	Current implementation mechanism in place (e.g. MOUs, bilateral agreement/ multi-country framework/ processes etc.)	Enforcement/ monitoring mechanism in place (e.g. labour inspection mechanisms, recruiter compliance, measures etc.)	Any new development/ addition and/or changes in laws, policies, implementation and/or monitoring mechanisms
Labour recruitment						
Recruitment agencies						
Labour market information and awareness to workers and recruiters						
Worker wage determination						
Recruitment costs						
Skills training provision and skills accreditation						
Rights and contractual obligation of workers, including employer terms and conditions, access to compensation, termination etc.						
Grievance resolution mechanisms (for workers)						
Grievance resolution mechanisms (for recruiters)						
Prevention of workers trafficking and irregular migration						

References

- Government of Pakistan. Bureau of Emigration and Overseas Employment. BE&OE. (BE&OE, 2017). Export of Manpower Analysis 2017
- Government of Pakistan. Bureau of Emigration and Overseas Employment (BE&OE, 2019). Export of Manpower Analysis 2018.
- Government of Pakistan. Bureau of Statistics website. (n.d.) Retrieved from www.pbs.gov.pk
- Government of Pakistan. Ministry of Foreign Affairs. Statement by Mr Khalil Hashmi, Director General, Pakistan, 11 December 2018. Available at <https://www.un.org/en/conf/migration/assets/pdf/GCM-Statements/pakistan.pdf> [17 Apr 2019]
- Government of Pakistan. Ministry of Overseas Pakistanis and HRD. MOP&HRD. (MOP&HRD, 2016). Labour Migration from Pakistan. 2015 Status Report; Islamabad.
- Government of Pakistan. Ministry of Overseas Pakistanis and HRD. (MOP&HRD, 2017). Report on Seminar on Reintegration of Returnee Migrants – Issues and Challenges; Research Training and Policy Reforms Division, Overseas Pakistanis Foundation; Islamabad.
- Government of Pakistan. (2015). National Qualifications Framework of Pakistan, Higher Education Commission; Government of Pakistan.
- Government of Pakistan. National Vocational & Technical Training Commission (NAVTTTC) website. (n.d.) Retrieved from www.navttc.org
- Government of Pakistan. National Vocational and Technical Training Commission. NVTTC. (NVTTC, 2017). National Vocational Qualification Framework Version 2; Government of Pakistan.
- Government of Pakistan. (2018). Pakistan Economic Survey 2017-18; Finance Division; Government of Pakistan.
- Government of Pakistan. Ministry of Federal Education and Professional Training Task Force on Education. 2018. National “Skills for All” Strategy A Roadmap for Skill Development in Pakistan
- Government of the Punjab (TEVTA) website. (n.d.) Retrieved from www.tevta.gop.pk
- International Labour Office (ILO) website. (n.d.) Retrieved from www.ilo.org
- International Labour Organization. ILO. (ILO, 2014). Promoting effective governance of labour migration

from South Asia. The ILO South Asia Labour Migration Governance Project 2013–2016; Nepal: International Labour Office.

International Labour Organization. (ILO, 2015). Independent mid-term evaluation of promoting the effective governance of labour migration from South Asia through actions on labour market information, protection during Recruitment and Employment, Skills, and Development Impact (SALM); Geneva: ILO Evaluation Office.

International Labour Organization. (ILO, 2016a). General principles and operational guidelines for fair recruitment; Fundamental Principles and Rights at Work Branch (FUNDAMENTALS); Labour Migration Branch (MIGRANT); Geneva: International Labour Office.

International Labour Organization (ILO, 2016b) Law and practice: the recruitment of low-skilled Pakistani workers for overseas employment; Islamabad: International Labour Office.

International Labour Organization (ILO, 2016c) The cost of migration: What low-skilled migrant workers from Pakistan pay to work in Saudi Arabia and the United Arab Emirates; Islamabad: International Labour Office.


International Labour Organization (ILO, 2016d) Where to go for help: Pakistani migrant workers' access to justice at home and in Gulf Cooperation Council countries; Islamabad: International Labour Office.

International Organization of Migration. IOM. (IOM, 2018) Recruitment Intermediaries in the Foreign Employment Industry in Sri Lanka; Sri Lanka: Institute of Policy Studies, Swiss Agency for Development and Cooperation and International Labour Office.

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